

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEJUAN THORNTON,

Plaintiff,

v.

Case Number 11-13787  
Honorable David M. Lawson  
Magistrate Judge Mark A. Randon

COMERICA BANK,

Defendant.

---

**ORDER OVERRULING OBJECTION TO MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

On April 3, 2012, the Court entered an order adopting the magistrate judge's report and recommendation, denying the plaintiff's motion for summary judgment, and granting the defendant's motion for summary judgment. The Court stated that the time for filing objections had passed, that no objections had been filed, and that it nevertheless agreed with the findings and conclusions of the magistrate judge. On April 6, 2012, the plaintiff filed objections to the magistrate judge's report and recommendation, and on April 13, 2012, the plaintiff filed a notice asserting that these objections were filed timely.

Objections to the magistrate judge's report and recommendation, which was filed on March 15, 2012, were due on April 2, 2012. The plaintiff, who is incarcerated, indicates that prison officials received the objections on April 2, 2012. The Sixth Circuit has held that a prisoner's objections to a report and recommendation are deemed filed on the day they are presented to prison officials to be mailed. *Walker v. City of Lakewood*, 35 F.3d 567 (6th Cir. 1994) (table). Even assuming, however, that the plaintiff's objections were filed timely, the plaintiff's objections do not

change the Court's view that the magistrate judge's analysis of the plaintiff's complaint was correct.

To the extent that the plaintiff seeks relief from the Court's judgment, his request is denied.

Accordingly, it is **ORDERED** that the plaintiff's objection to the magistrate judge's report and recommendation [dkt. #26] is **OVERRULED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: May 4, 2012

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 4, 2012.

s/Deborah R. Tofil  
DEBORAH R. TOFIL